

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5548
6 Facsimile: (415) 703-5480
Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2012-40

12 **SARAH GRACE BUOT**
13 **3767 Bridgeway Lakes Drive**
Sacramento, CA 95691

A C C U S A T I O N

14 **Registered Nurse License No. RN 481010**

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant), brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about August 31, 1992, the Board issued Registered Nurse License Number
23 RN 481010 to Sarah Grace Buot (Respondent). The license was in full force and effect at all
24 times relevant to the charges brought herein and will expire on August 31, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

1 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
2 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
3 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
5 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
6 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
7 may renew an expired license at any time within eight years after the expiration.

8 **STATUTORY / REGULATORY PROVISIONS**

9 6. Code section 2761 states, in pertinent part:

10 "The board may take disciplinary action against a certified or licensed nurse or deny an
11 application for a certificate or license for any of the following:

12 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

13 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
14 functions.

15 "

16 7. California Code of Regulations, title 16, section 1442, states:

17 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
18 the standard of care which, under similar circumstances, would have ordinarily been exercised by
19 a competent registered nurse. Such an extreme departure means the repeated failure to provide
20 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
21 situation which the nurse knew, or should have known, could have jeopardized the client's health
22 or life."

23 8. California Code of Regulations, title 16, section 1443.5 states:

24 "A registered nurse shall be considered to be competent when he/she consistently
25 demonstrates the ability to transfer scientific knowledge from social, biological and physical
26 sciences in applying the nursing process, as follows:

27 ///

28 ///

"(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.

"(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

COSTS

9. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 10. Respondent is subject to disciplinary action under Code section 2761, subsection (a),
4 for unprofessional conduct. The circumstances are as follows:

5 11. On or around August 21, 2009, while working as a nurse at Doctors Medical Center
6 (DMC), a full-service, acute care hospital in San Pablo, California, Respondent was assigned as
7 the primary nurse for a patient being readied for discharge to hospice care. A physician's order to
8 reduce the patient's oxygen from 15 to 5 liters was entered in the patient's chart by a medical
9 social worker and conveyed verbally to Respondent by her charge nurse. Respondent
10 implemented the order without visually verifying or questioning it. The patient died at DMC
11 shortly thereafter.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Registered Nursing issue a decision:

15 1. Revoking or suspending Registered Nurse License Number RN 481010, issued to
16 Sarah Grace Buot;

17 2. Ordering Sarah Grace Buot to pay the Board of Registered Nursing the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: July 19, 2011

23 Louise R. Bailey
24 LOUISE R. BAILEY, M.ED., RN
25 Executive Officer
26 Board of Registered Nursing
27 Department of Consumer Affairs
28 State of California
Complainant

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